



Housing Authority of the City of Alameda

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MINUTES

REGULAR MEETING OF THE HOUSING COMMISSION OF THE CITY OF ALAMEDA HELD WEDNESDAY, MARCH 19, 2008

The Commission was called to order at 7:01 p.m. by Chair Gormley.

PLEDGE OF ALLEGIANCE

1. ROLL CALL

Present: Commissioner Balde, Ganley, Kurrasch, Pratt, and Chair Gormley

Absent: Commissioner Schlueter and Trujillo

2. PUBLIC HEARING

- 2-A. **Public Hearing** for FY2009-2010 Annual Plan. Executive Director Pucci stated the Housing Authority is required to have the Annual Plan reviewed by the Housing Commission and the Resident Advisory Committee. Minor changes have been made to the Annual Plan. Comments were received from the Alameda County Family Justice Center and the National Housing Law Project. Several are being considered and may require making changes to the Administrative Plan and Admissions and Continued Occupancy Policy (ACOP). Changes will be brought to the Commission at the next meeting. Mr. Pucci introduced Eileen Duffy, Operations Manager; she provided an overview of the Annual Plan.

Commissioner Kurrasch was pleased with the comments and the Annual Plan.

Chair Gormley opened the public hearing for public comments. Chair Gormley asked for oral comments from the public. There being no speakers, the Chair closed the public hearing and called the regular meeting of the Housing Commission to order.

3. CONSENT CALENDAR

Commissioner Kurrasch moved to adopt the Consent Calendar. Commissioner Pratt seconded. Motion carried unanimously. All items accepted or adopted are indicated with an asterisk.

- *3-A. Minutes of the Housing Commission Regular Meeting held February 20, 2008. Minutes were accepted.
- *3-B. Budget Variance Report. This report was accepted.
- *3-C. Adopting FY2008-2009 Annual Plan. The Housing Commission adopted the Annual Plan for next fiscal year and authorized the Chair to certify, by resolution, that the Housing Commission has approved submission of the Agency Plan to the U. S. Department of Housing and Urban Development.

Executive Director Pucci recognized Officer Paul Hischier, stating this was his last meeting as the Housing Authority's community policing officer. Officer Summit will be his replacement and Officer Sapinoso will continue as a Housing Authority officer. Officer Hischier spoke of his experiences working at the Housing Authority.

Commissioner Pratt asked about the typical rotation of officers. Officer Hischier said a normal rotation with the Housing Authority is one year.

Chair Gormley thanked Officer Hischier and the entire Alameda Police Department.

4. AGENDA

- 4-A. Recommending Adoption of Budget for Fiscal Years 2009 and 2010. Executive Director Pucci explained the budget is for two years; beginning July 1, 2008, ending June 30, 2009, Fiscal Year 2009 (FY2009), and July 1, 2009, ending June 30, 2010, Fiscal Year 2010 (FY2010). The FY2009 budget totals over \$26,000,000 and FY2010 budget totals about \$27,000,000. He explained that operating income is derived primarily from HUD for Housing Assistance Payments. Expenditures are anticipated to be \$18,000,000 for Section 8 Housing Assistance Payments which are distributed to Alameda landlords and help the local economy. Operating expenses are anticipated to increase slightly and he described the details. Mr. Pucci clarified the cash reserve balance based on GASB34 standards. Mr. Pucci asked for questions. He reminded the Commissioners that Esperanza is running a deficit and there will be an infusion of operating reserves needed to balance this program's budget. He continued that all other programs are either break-even or at a surplus.

Commissioner Kurrasch moved the Housing Commission recommend to the Board of Commissioners to:

1. Approve additional conference travel for FY2008;
2. Adopt the proposed budget, including the Extraordinary Maintenance Projects and Capital Improvements line items, for fiscal years 2008-2009 and 2009-2010;
3. Adopt the proposed resolutions for both budget years for the Conventional Low-Rent Housing Program No. CA-062 (Esperanza); and
4. Recommend to the City Council to waive the Payment in Lieu of Taxes for both fiscal years.

Commissioner Pratt seconded. Motion adopted unanimously.

- 4-B. Awarding Contracts for Kitchen and Bath Cabinet Replacement and Roof Replacement at Anne B. Diamant Plaza, and Amending the FY2008 Budget. Mr. Pucci said the Housing Authority went out to bid on two projects. For the kitchen and bath cabinet replacement project at Anne B. Diamant Plaza, the best bid was received from FK Construction for replacing 23 units for a total of \$146,000. MNJ Roofing provided the low bid for roofing at Anne B. Diamant Plaza for about \$98,000 which also includes a contingency.

Commissioner Kurrasch was surprised to see the difference in the bids and pleased to hear the positive history with FK Construction.

Chair Gormley asked if FK Construction was local. Mr. Pucci said he thinks so. MNJ Roofing is from either Oakland or San Leandro. Mr. Pucci explained there may be a bid protest on MNJ Roofing which may be appealed to the Housing Commission.

Commissioner Kurrasch moved the Housing Commission recommend to the Board of Commissioners to:

1. Award a contract to F.K. Construction for an amount not to exceed \$146,955 to replace kitchen and bath cabinets and countertops in 23 units at Anne B. Diamant Plaza;
2. Authorize the Executive Director to execute the contract with F.K. Construction;
3. Award a contract to MNJ Roofing Incorporated for an amount not to exceed \$110,000 to replace the roof covering at Anne B. Diamant Plaza;
4. Increase the FY 08 EMP Budget by \$30,000 for the roofing contract and to
5. Authorize the Executive Director to execute the contract with MNJ Roofing, INC

Commissioner Pratt seconded. Motion carried unanimously.

- 4-C. Housing Authority Work Program for Fiscal Year 2007 - 2008. Mr. Pucci described the updated Work Program previously brought to the Commission on July 18, 2007. Mr. Pucci provided a detailed status report of each goal.

Commissioner Pratt asked about succession planning; if it is cross-training or for key management positions. Mr. Pucci replied mostly key management positions, but cross-training is also done with staff.

No action was required as this report was for information and discussion purposes only.

- 4-D. Replacement of Commissioner Nancy Gormley on the Alameda Development Corporation Board of Directors. Chair Gormley stated during the past year she has been a member of the Alameda Development Corporation (ADC) as a Housing Commissioner. She was appointed to the Board because she was a Housing Commissioner, with the understanding that her expertise would assist them. Chair Gormley has not been called on to provide her expertise. As a result, she has not made a contribution and asked to resign. Chair Gormley asked Commissioners if they were interested in serving on the Board.

Chair Kurrasch served on the ADC Board for two years and said they have moved beyond their original intent. He questioned the need for a Housing Commissioner on the Board because Commissioners are involved in their own development programs. He is concerned about an implied or actual conflict. He recommended Mr. Pucci contact ADC expressing the potential inappropriateness of a Commissioner on the ADC Board.

Chair Gormley replied the ADC by-laws require a Commissioner sit on its Board. Mr. Pucci spoke to Dan Lachman, Executive Director of ADC. Mr. Lachman said this issue was brought to the Board, questioning the by-laws requirement of a Housing Commissioner sitting on the Board. He said the Board would be open to changing the requirement.

Chair Gormley said this would resolve the issue. She wanted Housing Commissioners to have an opportunity to serve on the Board if they were interested.

Commissioner Ganley asked if the Commission should be informed of ADC issues. Commissioner Kurrasch said the original formation of the ADC came from the City Council requiring 25 percent of new developments be low and moderate income. The ADC was formed and received funding from Development Services of the City of Alameda.

Chair Gormley stated, in addition to their Habitat project, they have projects at Bayport, Buena Vista, and plans for a project called Grand Marina.

Commissioner Kurrasch said they have done good work, but a Housing Commissioner on the Board might result in a conflict.

Mr. Pucci said two former Housing Commissioners are serving on the ADC Board, one has served since its inception.

The Housing Commission requested the Executive Director recommend to the ADC to change their by-laws to eliminate the seat held by a Housing Commissioner.

- 4-E. No Smoking Policy at Independence Plaza. Chair Gormley introduced committee members: Tanya Bursey from the Housing Authority, Serena Chen from the American Lung Association, Commissioner Schlueter and others. Ms. Bursey provided background information on developing a no smoking policy at Independence Plaza. Ms. Bursey said a tobacco smoke free addendum has been drafted and a subsequent policy will be presented to the Commission for adoption.

Ms. Chen explained a survey was created by the committee asking residents how they felt about a smoking policy. The survey revealed overwhelming support to make Independence Plaza smoke free. Ms. Bursey stated four housing authorities in California have adopted a smoke free policy inside units and discussed smoke-free policies in local cities. Ms. Chen said 65 housing authorities throughout the United States have no smoking policies. She stated senior complexes have taken the lead because senior citizens are more likely to have diminished lung capacity or chronic disease, and second-hand smoke is very damaging. Ms. Chen said the Alameda Housing Authority will be the number one housing authority in the Bay Area to move forward; others will follow.

Mr. Pucci said the committee did a tremendous amount of work over the last year, and they were very considerate of all the tenants at Independence Plaza. Mr. Pucci wanted to be sure all tenants were considered and that it was a fair policy. The committee made several attempts at outreach to smokers but smokers did not participate or give input.

Mr. Pucci described a discrepancy in the report and explained the Housing Authority is asking for the Housing Commission to adopt a no smoking policy. An addendum to the lease is being presented tonight, not the policy. He said the policy will be almost identical to the addendum to the lease. He recommended having a discussion of the policy concept and re-agendizing this issue until next month when a policy will be brought back to the Commission. He said the purpose of the policy will be to mitigate: the irritation and known health hazards of second hand smoke, the increase of fire danger from smoking, the increased maintenance, cleaning and redecorating costs, and the high cost of fire insurance. Smoking would be prohibited on the entire property including individual units, common areas, and every building and adjoining grounds. He further explained issues that the committee considered and discussed, including if Independence Plaza tenants or their guests want to smoke they must leave the grounds and smoke outside the gate, there is no guarantee that everyone will abide by the policy, and tenants may sue tenant smokers if they don't comply. He also said that breach of the policy would be a breach of the rental agreement and tenancy could be terminated. Inspections of units also will be allowed.

Commissioner Pratt asked about the policy on vendors. Mr. Pucci said contracts will have to be amended to include no smoking on the property.

Commissioner Pratt questioned the language "smoking of tobacco products", saying there are other products that are smoked. Ms. Chen explained that a no smoking policy does not apply to medical marijuana. She said scientific studies of the harm of second hand smoke are on tobacco smoke, not marijuana. Other types of intrusive, non-tobacco smoke could be addressed as a nuisance and a lease violation.

Commissioner Kurrasch is pleased to see this happen. He agrees the committee needs to be lauded for their hard work. He agreed with Mr. Pucci that the addendum is fine but a policy is needed and should be re-agendized for the next meeting. Mr. Pucci concurred and said the policy will be agendized and include prohibiting vendors from smoking.

Commissioner Kurrasch asked if the Housing Authority General Counsel had reviewed the policy. Mr. Pucci said yes. Counsel recommended emphasizing the cost of clean up for smokers, no grandfathering – just 90 days to comply, and emphasizing tenants go off premises to smoke.

Commissioner Ganley asked about inspections. Mr. Pucci said Housing Authority staff could do inspections, giving tenants a 24 hour notice. Commissioner Ganley asked about evidence. There was additional discussion about what evidence there might be and if it would hold up in a court of law.

Ms. Chen related a story about the City of Calabasas and how they are resolving this issue, defining evidence of smoking as a complaint from two different people about a tenant. Ms. Bursey said the Housing Authority will have a complaint form for tenants and described the process involved in filing a complaint form.

Commissioner Kurrasch said with 24 hours notice a housing manager could still detect evidence of smoking. He feels confident enforcement will be successful. Ms. Chen stated other senior housing complexes that converted to 100 percent smoke free said it was easier than they thought. She said, in California people who choose to smoke are resigned to new laws and welcome restrictions to encourage them to quit smoking.

A member of the public asked how the grounds will be policed. Commissioner Kurrasch said people will not be evicted for a first time offense. Ms. Chen reminded everyone that second hand smoke enforcement is based on common sense and gave examples.

Commissioner Ganley suggested checking with legal counsel on enforcement of inspections and smoking on the grounds. Ms. Bursey said this process will be complaint driven, or by Housing Authority staff observations, and inspections would be done after a complaint or observation is made. Commissioner Ganley asked if wording could be added. Commissioner Kurrasch addressed her concerns saying the lease has an inspection provision upon cause, similar to the pet policy.

Commissioner Pratt asked if any legal entities have intervened on the behalf of a smoker. Ms. Chen said no, there is no constitutional right to smoke; they are not a protected class. She has heard of lawsuits from the recipients of second hand smoke. She said to think of smoking in the same category as pets and loud noise. As a property owner, she said, the Housing Authority can place restrictions on tenancy. Ms. Bursey reiterated a part of the addendum that allows the Housing Authority access to inspect a unit following a reported violation.

Mr. Pucci said State law requires a 24 hour notice on an inspection, and it gives the tenant a chance to clean up, but there will be telltale signs of smoking.

An audience member, who is an ex-smoker, feels people may be unjustly accused. Ms. Bursey said complaints are kept confidential. She went on to say that she would notify the possible offenders and give them the opportunity to respond to the complaints.

An audience member expressed concern about policing smoking outside of units and smoking in a car in the parking lot. Commissioner Kurrasch said enforcement must be done in a reasonable manner.

The Housing Commission approved drafting a no-smoking policy.

5. ORAL COMMUNICATIONS

None.

6. COMMISSIONER COMMUNICATIONS

None.

7. ADJOURNMENT

There being no further discussion, Chair Gormley adjourned the meeting at 8:36 p.m.

Nancy W. Gormley, Chair

Attest:

Michael T. Pucci
Executive Director / Secretary